

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KRISTINA BERGER)	
)	
Plaintiff,)	
)	
v.)	
)	
R & G NURSING CARE, INC.)	
)	
Defendant.)	JURY DEMAND
)	<u>ENDORSED HEREON</u>

COMPLAINT

Plaintiff Kristina Berger (“Plaintiff”) alleges as follows for her Complaint against Defendant R & G Nursing Care, Inc. (“Defendant”):

1. Plaintiff worked for Defendant as a Registered Nurse in 2013-2015 in Portage County, Ohio.
2. Defendant is an Ohio corporation doing business as Kensington Care Center.
3. Defendant’s revenues exceed \$500,000 per annum.
4. Defendant is an enterprise engaging in interstate commerce.
5. Venue is proper in the Northern District of Ohio because Defendant resides in Portage County, Ohio and separately because a substantial part of the events giving rise to the claim occurred in the Northern District of Ohio.
6. This Court has subject matter jurisdiction over the claims raised in this Complaint pursuant to the Fair Labor Standards Act, 29 U.S.C. Sections 201, *et seq.*
7. This Court has personal jurisdiction over the parties to this action.

8. Plaintiff has hired the undersigned counsel and has agreed to pay reasonable attorney's fees and costs if they are successful on one or more of the claims set forth herein.

9. Plaintiff consents to become a party plaintiff in this action and has attached her written consent hereto as Exhibit A.

COUNT I
FAILURE TO PAY OVERTIME WAGES

10. Plaintiff re-alleges each allegation set forth in paragraphs 1-9 above.

11. Defendant is required to comply with overtime requirements set forth in the Fair Labor Standards Act, 29 U.S.C. Sections 201, *et seq.*

12. Defendant was the employer of Plaintiff.

13. Plaintiff regularly worked over 40 hours per week for Defendant.

14. Defendant paid Plaintiff on an hourly basis and classified her as non-exempt under the Fair Labor Standards Act.

15. Plaintiff was a non-exempt employee under the Fair Labor Standards Act.

16. Defendant has violated the Fair Labor Standards Act by not paying Plaintiff overtime wages for all hours worked over a regular 40-hour workweek, including but not limited to off the clock work at Kensington Care Center and off the clock work performed at Plaintiff's home for Kensington Care Center.

17. Defendant's conduct with regard to not paying overtime to Plaintiff was willful.

18. Plaintiff has been damaged by Defendant's nonpayment of overtime wages and is entitled to one and a half times her hourly rate for each unpaid overtime hour.

19. Plaintiff additionally is entitled to liquidated damages of one times unpaid overtime compensation pursuant to the Fair Labor Standards Act.

20. Defendant is liable for the costs and reasonable attorney's fees of Plaintiff pursuant to the Fair Labor Standards Act.

WHEREFORE, Plaintiff demands judgment against Defendant for her unpaid overtime wages, liquidated damages, any other compensatory damages, prejudgment interest at the statutory rate, post-judgment interest, attorney's fees and costs, and all other relief to which she is entitled.

JURY TRIAL DEMANDED.

Respectfully submitted,

/s/ Christopher M. Sams
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